

**COPY****PATENT**

ISIS-3561

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**Bennett et al.****Serial No.: 09/315,292****Group Art Unit: 1635****Filed: May 20, 1999****Examiner: M. Shibuya****For: Compositions and Methods for the Pulmonary  
Delivery of Nucleic Acids**

I, Michael P. Strahar, Registration  
No. 38,325 certify that this  
correspondence is being deposited with  
the U.S. Postal Service as First Class  
mail in an envelope addressed to the  
Assistant Commissioner for Patents,  
Washington, D.C. 20231.

On March 20, 2000

  
Michael P. Strahar, Reg. No. 38,325

**Assistant Commissioner  
for Patents  
Washington, D.C. 20231**

**RESPONSE TO RESTRICTION REQUIREMENT**

This paper responds to the Office Action mailed  
January 18, 2000, in connection with the above-identified  
patent application. A request for a one month extension of  
time and appropriate payment is enclosed herewith.

The Office Action has required restriction among  
two allegedly distinct inventions:

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I. Claims 1-36 and 62, pharmaceutical compositions, classifiable in class 536, subclass 24.5;

II. 37-61 and 63, drawn to methods of administration of an aerosolized nucleic acid into the lungs, and a device therefor, classifiable in class 514, subclass 44. The Office Action also requires elections among species of internucleoside linkages, genes, and antisense oligonucleotides.

As a preliminary matter, Applicants thank Examiner Shibuya for the courtesy afforded Applicants' undersigned attorney in a telephone conference on March 20, 2000, in which the current restriction requirement was discussed. In that conference, Examiner Shibuya agreed to add phosphorothioate internucleoside linkages to the list of linkages of paragraph 4 of the office action. Applicants also thank Examiner Shibuya for indicating that the three species elections levied in the Office Action are for searching purposes only.

In response to the restriction requirement, Applicants elect herein the subject matter denominated above as Group II, claims 37-61 and 63.

In response to the species elections levied to aid in searching the present invention, Applicants elect herein for claims 37-61 phosphorothioate linkages. Applicants further elect the species denoted B2 in the Office Action (gene coding for ICAM-1). For claim 63, Applicants further elect the species denoted A3 in the Office Action (ISIS-15839).

Applicants respectfully traverse the restriction requirement. The restriction requirement is improper

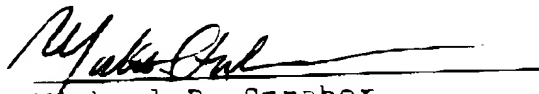
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that effect is, therefore, earnestly solicited.

Respectfully submitted,

  
Michael P. Straher  
Registration No. 38,325

Date: March 20, 2000

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